

REMARKS

CLAIM OBJECTIONS

The Examiner has objected to claims 4-7 and 9 for being in improper dependent form. Claims 4-7 and 9 have been amended to make it clear that the emulsifier, as described in claim 1, further comprises the components described in the dependent claims. Support for these amendments is found on line 15 of page 5 to line 11 of page 14 of the specification. Particularly, line 11 on page 14 makes it clear that combinations of emulsifiers can be used in the invention. In view of the amendment made to claims 4-7 and 9, the claims are in proper dependant form and the Examiner's objections are obviated.

CLAIM REJECTIONS

The Examiner has rejected claims 1-3, 11, 13-18 and 20-21 under 35 U.S.C. 103(a) as being obvious over WO 03/083020 in combination with Hori (US 2002/0017052) or Wenzel (US 4083698). The specific rejections are on claims 1, 15 and 18 where all other rejected claims depend on the one of these three.

The Examiner agrees that WO 03/083020 does not suggest, disclose or teach the emulsifier required by the claimed invention but rather discloses a method of operating an internal combustion engine where a detergent composition is introduced into the fuel combustion chamber. The Examiner then combines WO 03/083020 with Hori or Wenzel, where Hori discloses an emulsified fuel that does not cause rusting and where Wenzel discloses an emulsified fuel that is stable below the freezing point of water, to make the rejection for obviousness. Hori and Wenzel disclose the use of glycerol monooleate, polyethylene glycol dioleate and sorbitan trioleate as emulsifiers that reduce rusting caused by an emulsified fuel or that depress the freezing point of an emulsified fuel.

Applicants have amended their claims by removing these emulsifiers. The claimed invention is a method of operating an engine using a specific lubricant and an emulsified fuel with a specific emulsifier that results in the reductions of engine emissions and is not suggested, disclosed, or taught by the combined references. Therefore, the 103(a) rejection based on WO 03/083020 in combination with Hori or Wenzel should be removed.

The Examiner has rejected claim 12 under 35 U.S.C. 103(a) as being obvious over WO 03/083020 in combination with Hori (US 2002/0017052) or Wenzel (US 4083698) and further in combination with Bloch (US 7018962) or Arai (US 5707942). Bloch discloses a viscosity index improver concentrate that may include antioxidants such as hindered phenol and sulfurized phenates. Arai discloses a lubricating oil composition that reduces friction that may include antioxidants such as alkylated diphenylamines, 2,6-di-tert-butyl-4-methylphenol, and 4,4'-methylene-bis(2,6-di-tertbutylphenol).

As stated, the Applicants have amended the claims such that the claimed invention is not obvious under WO 03/083020 in combination with Hori or Wenzel, therefore this rejection should be removed.

Furthermore, Applicants have also amended claim 12 by removing the antioxidants disclosed in Bloch and Arai. Therefore, the 103(a) rejection based on WO 03/083020 in combination with Hori or Wenzel and further in combination with Bloch or Arai should be removed.

The Examiner has also rejected claims 1-7, 9, 11-18 and 20-21 under 35 U.S.C. 103(a) as being obvious over WO 01/97952 in combination with Hori (US 2002/0017052) or Wenzel (US 4083698) and further in combination with WO 02/24842 or Carrick (US 6583092). The specific rejections are on claims 1, 15 and 18 where all other rejected claims depend on the one of these three.

The Examiner agrees that WO 01/97952 does not disclose the emulsifier or the lubricant required by Applicants' claimed invention and it is only through the combination of the reference with Hori or Wenzel that a basis for an obviousness rejection is made. The amendments to the

Applicants have amended their claims by removing these emulsifiers. The claimed invention is a method of operating an engine using a specific lubricant and an emulsified fuel with a specific emulsifier that results in the reductions of engine emissions and is not suggested, disclosed, or taught by the combined references. Therefore, the 103(a) rejection based on WO 01/97952 in combination with Hori (US 2002/0017052) or Wenzel (US 4083698) and further in combination with WO 02/24842 or Carrick (US 6583092) should be removed.

USSN 10/646,982
Amendment and Response

Should the Examiner have any questions or believe that a telephone conference would expedite the prosecution of this application; she is requested to call the undersigned attorney at 440-347-5072.

If any fees are due, the Commissioner is authorised to charge such fee to The Lubrizol Corporation Deposit Account No. 12-2275.

Respectfully submitted,

THE LUBRIZOL CORPORATION

/Teresan W. Gilbert #31360/

Teresan W. Gilbert
Attorney for Applicants
Registration No. 31,360

29400 Lakeland Blvd.
Wickliffe, Ohio 44092-2298
Telephone: 440-347-5072
Facsimile: 440-347-1110
E-mail: teresan.gilbert@lubrizol.com